

**BLUE RIDGE COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS**

SERIES: 1 **General Rules**
RULE: 15.2 **Reporting Harassment and Violence on Campus**

Scope: The purpose of this policy is to prevent all forms of harassment and violence, to protect the educational and working environment, to assure the prompt and efficient response to such incidents, and to deter future incidents from occurring. Blue Ridge Community and Technical College shall not tolerate acts of harassment or violence and conduct that constitutes harassment or violence, as defined herein, is strictly prohibited.

Authority: Racial, sexual, and religious/ethnic harassment is a form of discrimination which violates Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq., Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, et seq., and West Virginia Code §5-11-1, et seq., the West Virginia Human Rights Act.

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Revision History:

SECTION 1. Purpose

1.1 Blue Ridge CTC ("College" hereafter) prohibits any form of racial, sexual, religious/ethnic, or disability harassment or violence on school property or at any school-sponsored event, regardless of where such event might occur. It shall be a violation of this policy for any student, volunteer, outside group or third-party using school facilities, or employee of the College to harass or commit a violent act against a student, any person, or any employee through conduct or communication of a harassing or violent nature as defined by this policy.

SECTION 2. General Definitions

- 2.1 Complainant. Any individual that makes or files a complaint against another individual with the College or any individual that is the victim of prohibited conduct that is reported to the College.
- 2.2 Member of the College Community. An individual engaged in any College activity or program, whether on or off campus, or any individual lawfully on College owned or leased property, including, but not limited to, any person who is a student, staff, faculty member, other College official, or a visitor.
- 2.3 Respondent. An individual accused of conduct prohibited by Section 3 of this Rule.
- 2.4 Student. An individual subject to the College's Board of Governors Rule 21.1, Student Rights and Responsibilities, and the College's Student Handbook

SECTION 3. Defining and Recognizing Prohibited Conduct

3.1 General

The College will act promptly and confidentially to investigate all harassment and violence complaints, formal or informal, verbal or written, and will take appropriate disciplinary action based upon the results of the investigation.

3.2 Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, request for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature when:

- Submission to the conduct or communication is made a term or condition either explicitly or implicitly of obtaining or retaining employment, or of obtaining an education; or
- Submission or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, or education; or
- That conduct or communication has a purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or
- Creating an intimidating, hostile or offensive educational environment.

3.3 Racial Harassment - Racial harassment consists of physical, verbal, or written conduct relating to an individual's race when the conduct:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
- Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- Otherwise adversely affects an individual's employment or academic opportunities.
- Racial harassment includes racially degrading word(s) or actions used to intimidate, describe an individual, or refer to some aspect of the individual's behavior, appearance, attitude, or conduct:
- The display, use, or dissemination of racially motivated gestures, objects, pictures, and/or jokes by any means, including, but not limited to, printed materials displayed by electronic means; and
- Race-based labeling or stereotyping with respect to mental, physical, or other abilities, talents, occupational or life goals, etc.
- Unwelcome behavior, verbal or written words or symbols, directed at an individual because of race.
- Conduct, including word(s) or actions, directed toward a person because of race that tends to distract or otherwise make it more difficult to perform his or her job and/or achieve an education.

- 3.4 Religious/Ethnic Harassment - Religious/ethnic harassment consists of physical, verbal, or written conduct which is related to an individual's religion or ethnic background when the conduct:
- Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
 - Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance;
 - Otherwise adversely affects an individual's employment or academic opportunities;
 - Religious/ethnic degrading word(s) or actions used to intimidate, describe an individual or refer to some aspect of the individual's behavior, appearance, attitude or conduct;
 - The display, use or dissemination of degrading religious/ethnic suggestive gestures, objects, pictures, and/or jokes by any means including, but not limited to, printed materials and materials displayed by electronic means; and
 - Religious/ethnic-based labeling or stereotyping with respect to mental, physical or other abilities, talents, occupational or life goals, etc.
 - Conduct, including word(s) or actions, directed toward a person because of religion or ethnicity that tends to distract or otherwise make it more difficult to perform his or her job and/or achieve an education.
- 3.5 Disability Harassment-Disability harassment consists of physical, verbal, or written conduct which is related to an individual's disability when the conduct:
- Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 - Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance;
 - Otherwise adversely affects an individual's employment or academic opportunities.
- 3.6 Sexual Violence - Sexual violence is a physical act of aggression or force or threat thereof which involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks, or breasts, as well as the clothing covering these areas.
- 3.7 Racial Violence - Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
- 3.8 Religious/Ethnic Violence - Religious/ethnic violence is a physical act of aggression or assault upon another because of, or in manner reasonably related to, religion or ethnicity.
- 3.9 Assault - Assault is defined as an act done with intent to cause fear in another of intimidated bodily harm or death; or the threat to do bodily harm to another with present ability to carry out the threat.

SECTION 4. Complaints

4.1 Coordinator

The President or the President's designee shall appoint an administrator(s) to act as the College's Coordinator(s) to handle all complaints under this Rule. The Coordinator(s) will oversee all complaints filed under this Rule generally and identify and address any patterns or systemic problems that arise during the review of such complaints. The Coordinator is further responsible for coordination of training, education, communications, and administration of complaint procedures for faculty, staff, students, and other members of the College community. The coordinator may also appoint deputy coordinators to assist the College in furthering this rule and its actions. The Coordinator will receive all reports or complaints. If the complaint alleges employee misconduct, the Coordinator will notify the College's Equal Employment Opportunity/Affirmative Action (EEO/AA) Officer.

Acting as the College's Equal Employment Opportunity/Affirmative Action (EEO/AA) Officer, the Head of HR will coordinate all employee and job applicant complaint procedures, investigation and resolution in compliance with applicable federal and state employment law. The EEO/AA Officer will also coordinate training, education, communications, and administration of such.

4.2 Filing

Any member of the College community who believes he or she has been subject to any of the prohibited conduct set forth in Section 3 may file a complaint in any manner set forth in the applicable procedure, as discussed below. If a complaint is received, it shall be forwarded to the appropriate department for investigation and disposition. The Harassment and Violence Report Form and the Harassment and Violence Investigation Form can be found on the BRCTC website.

4.3 Procedure

All alleged incidents of harassment or violence should be reported using the [Harassment and Violence Report Form](#). The form can be submitted by the victim, a witness, or anyone receiving oral or written reports of racial, sexual, religious/ethnic, or disability harassment or violence.

Upon receipt of the Harassment and Violence Report Form, the Coordinator will make the determination of the appropriate person to initiate the investigation.

If the report alleges employee misconduct, the Coordinator will notify the College's Equal Employment Opportunity/Affirmative Action (EEO/AA) Officer/the Head of HR to initiate the investigation. The investigation and disciplinary actions follow Human Resource policies for employee misconduct. A final report of the investigation findings will be submitted using the [Harassment and Violence Investigation Form](#).

4.4 If the report alleges student misconduct and,

i) Qualifies as a Title IX complaint, the Title IX Coordinator will follow the College Title IX procedures.

ii) Does not qualify as a Title IX complaint, the Title IX Coordinator will notify the President's Designee for student code of conduct violations to initiate the investigation. The investigation and disciplinary actions follow the Student Code of Conduct policies. A final report of the investigation findings will be submitted using the Harassment and Violence Investigation Form.

4.5 Disclosure and Confidentiality

The College respects the privacy of those reporting prohibited conduct and will endeavor to respect requests for confidentiality to the extent permissible by law. However, the College has

certain legal obligations to address this conduct and to prevent its recurrence and, as a result, cannot guarantee confidentiality to a complainant in all cases. That said, there are places where a victim can receive confidential services and the complaint procedure must identify clearly where a victim can go to receive such services without having to risk confidentiality.

4.6 Dishonest or Frivolous Complaints

If a complainant is found to have been intentionally or maliciously dishonest, reckless, or frivolous in making the allegations, the complainant shall be subject to appropriate disciplinary action up to and including termination for employees and expulsion for students.

SECTION 5. Retaliation Prohibited

- 5.1 No individual may retaliate against any complainant, any person that assists a complainant in the filing of a complaint under this Rule, or a witness. Complaints of retaliation for such activities will be treated the same way as other complaints under this Rule.
- 5.2 Retaliate means to take an adverse action against an individual or subject an individual to conduct that has the purpose or effect of unreasonably interfering with that individual's educational experience, work or academic performance, or creates an educational experience or academic or work environment that a reasonable person would find intimidating or hostile because of something that individual did to further this Rule, including but not limited to filing a complaint or being a witness in or supporter of or against a complaint.

ATTACHMENTS:

[Harassment and Violence Report Form](#)
[Harassment and Violence Investigation Form](#)

DISTRIBUTION LIST:

President
Executive Assistant to the President
Vice President of Workforce & Engineering Technologies
Dean of Curriculum and Instruction
CFO/Vice President of Professional Studies and University Transfer and Human Resources
Vice President of Enrollment and Allied Health Sciences
Vice President of Information Technology
Faculty Council Chair
Staff Council Chair
Student Board Representative
WVCTCS Chancellor

Board of Governors Chair

Date

President

Date